

# Invitation to Bid

## City of Milwaukee

CITY OF MILWAUKEE  
200 E WELLS STREET  
MILWAUKEE WI 53202  
United States

CIMIL

**Vendor:** 0001030455  
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<http://www.milwaukee.gov/citygov/daa/sp/sp.shtml>  
MILWAUKEE WI 53202

Bid ID	Date	Buyer	Page
CIMIL-0000001836	07/28/2006	Diane Berndt	1
Payment Terms	DateTime Bid Open	Closing	
PROMPT PAY	07/28/2006 11:28 AM	10/05/2006 02:00 PM	

**Ship To:** See Detail Below

**Bill To:** DPW-OPERATIONS-SANITATION-GENERAL  
Z. MUNICIPAL BLDG. ROOM-620  
841 NORTH BROADWAY  
MILWAUKEE WI 53202  
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
1		RE-BID VC FOR ROCK SALT			1.0000	VEN	

**Freight Terms:** DEST

**Ship Via:** NOT APPL

\*\*\*\*\*NOTE: THIS IS A RE-BID OF BID 1836 THAT WAS ORIGINALLY DUE ON 9/5/06. PLEASE NOTE THERE IS A REVISED EBE PERCENTAGE OF 6% ON THIS BID. SEE BID FOR FURTHER DETAILS.\*\*\*\*\*

VENDOR CONTRACT FOR ROCK SALT FOR A THREE YEAR PERIOD FROM DATE OF AWARD WITH THE OPTION TO EXTEND TWO ADDITIONAL ONE-YEAR PERIODS, PER CITY OF MILWAUKEE SPECIFICATIONS NO 10b-F-1 DATED JULY 28, 2006.

\*\*\*PLEASE SEE THE SPECIFICATION FOR ADDITIONAL INFORMATION THAT SHOULD BE PROVIDED WITH YOUR BID.\*\*\*

THE ESTIMATED USAGE AMOUNT FOR THE TERM OF THE CONTRACT IS 165,000 TONS. THIS IS ONLY AN ESTIMATE AND THE CITY DOES NOT GUARANTEE THE AMOUNT THAT WILL ACTUALLY BE PURCHASED.

A. SALT - PRICE PER TON: \$\_\_\_\_\_/TON

B. TRUCKING - PRICE PER TON: \$\_\_\_\_\_/TON

DELIVERY TO THE WARD YARDS AND/OR TO ANY OTHER CITY LOCATIONS REQUIRED.

C. STORAGE - PRICE PER TON: \$\_\_\_\_\_/TON

FOR ROCK SALT REMAINING ON THE CITY OWNED STOCKPILE AT THE END OF WINTER SEASON AND SHALL BE COVERED DURING STORAGE. PRICE TO BE PER TON PAID MONTHLY FROM MAY 1 TO OCTOBER 31 OF CALENDAR YEAR BASED ON ACTUAL AMOUNT LEFT-OVER FROM CITY OWNED STOCKPILE OF PREVIOUS SEASON.

AN AWARD WILL BE MADE TO THE LOW RESPONSIVE AND RESPONSIBLE BIDDER COMPLYING WITH BID SPECIFICATIONS AND DELIVERY REQUIREMENTS. LOW TOTAL WILL BE DETERMINED FROM THE GRAND TOTAL OF ITEMS A AND B BY TAKING THE PRICE PER TON MULTIPLIED BY THE ESTIMATED USAGE AMOUNT OF 165,000 TONS.

ORDERS WILL BE PLACED FOR QUANTITIES AS NEEDED. ESTIMATED USAGE FOR THE THREE-YEAR TERM OF THIS CONTRACT IS 165,000 TONS. THIS IS ONLY AN ESTIMATE AND THE CITY DOES NOT GUARANTEE THE AMOUNT THAT WILL ACTUALLY BE PURCHASED.

ANY QUESTIONS, CLARIFICATIONS, ETC. MUST BE DIRECTED TO THE PURCHASING AGENT LISTED ON THIS BID (DIANE BERNDT, EMAIL PREFERRED--dbernd@milwaukee.gov OR PHONE: 414-286-2395) AT LEAST FIVE WORKING DAYS PRIOR TO THE BID CLOSING DATE (BY 4:45 PM-CST ON SEPTEMBER 28, 2006). REQUESTS RECEIVED AFTER THAT TIME WILL NOT BE CONSIDERED.

THIS INVITATION TO BID REQUIRES AN EMERGING BUSINESS ENTERPRISE (EBE) PARTICIPATION OF 6% IN ACCORDANCE WITH THE CITY OF MILWAUKEE ORDINANCE CHAPTER 360.

NOTE: READ THE TOTAL EMERGING BUSINESS ENTERPRISE PROVISIONS IN THE BID PACKAGE VERY CAREFULLY. EBE FORMS A AND B MUST BE RETURNED WITH YOUR BID.

EBE PARTICIPATION IS AN ELEMENT OF BID RESPONSIVENESS. FAILURE TO MEET THE SPECIFIED EBE REQUIREMENTS WILL RENDER THE BID UNRESPONSIVE, AND THE DOA-BUSINESS OPERATIONS DIVISION MAY THEN RECOMMEND AWARD TO THE NEXT APPARENT LOW BIDDER. [REF: SEC. III C (3)].

FOR FURTHER INFORMATION REGARDING EBE PARTICIPATION, CONTACT THE EMERGING BUSINESS ENTERPRISE MANAGER, CHRISTOPHER MARTIN AT 414-286-5552 OR THE MAIN OFFICE NUMBER AT 414-286-5553.

\*\*\* SIGNATURE REQUIRED \*\*\*

IT IS ONLY NECESSARY FOR YOU TO SIGN THE BINDING SIGNATURE PAGE OF THE INVITATION TO BID. YOUR SIGNATURE WILL SIGNIFY YOUR AGREEMENT TO ALL PRICING, TERMS AND CONDITIONS STATED HEREIN. BIDDERS ARE REQUIRED TO COMPLETE AND RETURN ALL BID PAGES WITH THEIR BID SUBMITTAL.

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\*\*\* CONTACT PERSON \*\*\*

ANY QUESTIONS, CLARIFICATIONS, ETC. MUST BE DIRECTED TO THE PURCHASING AGENT LISTED ON THIS BID (DIANE BERNDT, EMAIL PREFERRED--dberndt@milwaukee.gov OR PHONE: 414-286-2395) AT LEAST FIVE WORKING DAYS PRIOR TO THE BID CLOSING DATE (BY 4:45 PM-CST ON SEPTEMBER 28, 2006). REQUESTS RECEIVED AFTER THAT TIME WILL NOT BE CONSIDERED.

BIDDERS ARE SPECIFICALLY DIRECTED NOT TO CONTACT ANY CITY OF MILWAUKEE STAFF OTHER THAN THE PURCHASING AGENT FOR MEETINGS, CONFERENCES, OR TECHNICAL DISCUSSIONS THAT ARE RELATED TO THIS BID. UNAUTHORIZED CONTACT OF ANY CITY DEPARTMENT EMPLOYEE IS A CAUSE FOR REJECTION OF THE BID. ANY ADDITIONAL INFORMATION OR CLARIFICATIONS THAT ARE PROVIDED TO ONE BIDDER WILL BE PROVIDED TO ALL BIDDERS IN THE FORM OF AN ADDENDUM POSTED TO THE CITY'S WEB SITE (BIDS PENDING PAGE).

\*\*\* BID AND/OR SPECIFICATION APPEAL PROCESS \*\*\*

BIDDERS SHOULD SUBMIT A WRITTEN REQUEST TO THE PURCHASING AGENT FOR INTERPRETATION OR CORRECTION OF ANY AMBIGUITY OR INCONSISTENCY DISCOVERED IN THE BID, SPECIFICATIONS OR ATTACHMENTS. ANY REQUESTS FOR CHANGES, CLARIFICATIONS, ETC., TO THE BID RELATED SPECIFICATIONS OR ATTACHMENTS MUST BE SUBMITTED TO THE PURCHASING AGENT REFERENCED ON THE BID IN WRITING AT LEAST FIVE (5) WORKING DAYS PRIOR TO THE BID CLOSING DATE (BY 4:45 PM-CST ON AUGUST 17, 2006). REQUESTS RECEIVED AFTER THAT TIME WILL NOT BE CONSIDERED.

BIDDERS ARE CAUTIONED NOT TO CHANGE ANY OF THE TERMS OR CONDITIONS IN THE BID AND/OR SPECIFICATIONS WITHOUT THE WRITTEN APPROVAL OF THE DOA-PROCUREMENT SERVICES SECTION. ANY UNAUTHORIZED CHANGES WILL CONSTITUTE A COUNTEROFFER AND WILL SUBJECT THE BID TO REJECTION.

\*\*\* BID ADDENDUM \*\*\*

ANY CHANGES MADE AS A RESULT OF A WRITTEN REQUEST WILL BE ISSUED VIA A BID ADDENDUM, AND, IF NECESSARY, AN EXTENSION WILL BE MADE TO THE BID CLOSING DATE. ANY ADDENDA WILL BE POSTED TO THE CITY OF MILWAUKEE PROCUREMENT SERVICES WEBSITE: [WWW.CITY.MILWAUKEE.GOV](http://WWW.CITY.MILWAUKEE.GOV) (BIDS PENDING PAGE). BIDDERS ARE RESPONSIBLE FOR CHECKING THIS WEBSITE FOR ANY FUTURE ADDENDA, ETC., PRIOR TO THE BID CLOSING DATE. ALL ADDENDA MUST BE SIGNED AND RETURNED BY THE BID CLOSING DATE AND TIME. BIDDERS WHO DO NOT RETURN THE ADDENDA MAY HAVE THEIR BID REJECTED. IF YOU ARE UNABLE TO ACCESS THE INTERNET, CONTACT DOA-PROCUREMENT SERVICES AT 414-286-3501 TO OBTAIN A HARD COPY.

THIS WILL BE A THREE (3) YEAR CONTRACT FROM DATE OF AWARD WITH THE OPTION TO EXTEND FOR TWO ADDITIONAL ONE-YEAR PERIODS BY MUTUAL CONSENT. THIS CONTRACT IS SUBJECT TO ANNUAL REVIEW BY THE CITY WITHIN 180 DAYS OF THE ANNIVERSARY DATE. THE VOLUME LISTED IS AN ESTIMATE AND IS NO GUARANTEE AS TO THE AMOUNT THAT WILL BE PURCHASED DURING THE TERM OF THE CONTRACT. CONTRACT CONTINUANCE IS CONTINGENT UPON THE AVAILABILITY OF FUNDING FOR THE MATERIALS OR SERVICES TO BE PROVIDED DURING THE THREE YEAR TERM OF THE CONTRACT.

\*\*\*\*\*

ALL PRICES QUOTED MUST BE FIRM FOR ONE YEAR AFTER WHICH AN ESCALATOR MAY BE INVOKED UPON REQUEST AND VERIFICATION OF A LETTER FROM THE SUPPLIER AND/OR PUBLISHED PRICE SHEETS. SUCH REQUEST MUST BE MADE AT LEAST SIXTY (60) DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE.

INCREASE IN PRICE OF SALT (ITEM A) SHALL BE BASED ON PRODUCT COST ONLY AND NOT TO EXCEED THE PREVIOUS YEAR'S AGREEMENT BY MORE THAN 5% OR BY THE PRODUCER PRICE INDEX FROM APRIL 1 OF THE PREVIOUS YEAR TO APRIL 1 OF THE CURRENT YEAR, WHICHEVER IS LESSER.

INCREASE IN PRICE OF TRUCKING (ITEM B) SHALL BE BASED ON THE MIDWEST REGION CPI TRANSPORTATION INDEX AND NOT TO EXCEED THE PREVIOUS YEAR'S AGREEMENT BY MORE THAN 5% OR BY THE CPI FROM APRIL 1 OF THE PREVIOUS YEAR TO APRIL 1 OF THE CURRENT YEAR, WHICHEVER IS LESSER.

ALL INCREASES MUST BE APPROVED BY THE BUSINESS OPERATIONS DIVISION, PROCUREMENT SERVICES SECTION PRIOR TO THE EFFECTIVE DATE.

LIKEWISE, ANY DE-ESCALATION IN PRICE SHALL BE PASSED ON TO THE CITY. VENDORS ARE OBLIGATED TO TREAT PRICE DECREASES AS EQUALLY AS PRICE INCREASES DURING THE TENURE OF THE CONTRACT.

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BY SIGNING THIS BID, BIDDER HEREBY AGREES TO ALL THE TERMS AND CONDITIONS OF THE "CITY OF MILWAUKEE INVITATION, INSTRUCTIONS, TERMS AND CONDITIONS FOR FORMAL BID & CONTRACT" DOCUMENT DATED 8-25-03, WHICH IS HEREBY REFERENCED AND INCORPORATED AS PART OF THE CONTRACT AWARDED FROM THIS BID. THIS DOCUMENT CAN BE FOUND BY ACCESSING THE CITY'S WEB SITE AT [HTTP://WWW.MILWAUKEE.GOV](http://WWW.MILWAUKEE.GOV), CLICK THE DEPARTMENTS LINK, CLICK THE PROCUREMENT SERVICES (PURCHASING) LINK UNDER BUSINESS AND DEVELOPMENT CATEGORY, CLICK THE BID INFORMATION LINK FOR THE DOCUMENT, OR YOU MAY OBTAIN A COPY BY CALLING OUR OFFICE AT (414)286-3501.

NOTE: EFFECTIVE DECEMBER 28, 2005, THE CITY OF MILWAUKEE ADOPTED AN ORDINANCE RELATIVE TO THE DISCLOSURE OF PARTICIPATION IN OR PROFITS DERIVED FROM SLAVERY BY CONTRACTORS. ALL CONTRACTORS AWARDED A CONTRACT ON BEHALF OF THE CITY OF MILWAUKEE, WHETHER OR NOT SUBJECT TO A COMPETITIVE BID, SHALL COMPLETE AN AFFIDAVIT PRIOR TO ENTERING INTO THE CONTRACT VERIFYING THAT THE CONTRACTOR HAS SEARCHED ANY AND ALL RECORDS OF THE COMPANY OR ANY PREDECESSOR COMPANY REGARDING RECORDS OF INVESTMENTS OR PROFITS FROM SLAVERY OR SLAVEHOLDER INSURANCE POLICIES DURING THE SLAVERY ERA. THE NAMES OF ANY ENSLAVED PERSONS OR SLAVEHOLDERS DESCRIBED IN THOSE RECORDS MUST BE DISCLOSED IN THE AFFIDAVIT.

THE CITY SHALL MAKE THE INFORMATION CONTAINED IN THE AFFIDAVIT AVAILABLE TO THE PUBLIC. ANY CONTRACT BETWEEN THE CITY AND A CONTRACTOR WHICH FAILS TO PROVIDE THE REQUISITE AFFIDAVIT OR WHICH INCLUDES MATERIAL FALSE INFORMATION ON SUCH AFFIDAVIT SHALL BE RENDERED NULL AND VOID. TO REFERENCE MILWAUKEE CODE OF ORDINANCES 310-14, PLEASE SEE:

<http://CC-CODENEW.MILWAUKEE.GOV/CODE/VOLUME3/CH310.PDF>

THE CITY STRIVES TO MAKE TIMELY PAYMENT ON ALL INVOICES. PAYMENT TO THE VENDOR WILL BE DEEMED TIMELY IF THE PAYMENT IS MAILED, DELIVERED OR TRANSFERRED WITHIN 60 CALENDAR DAYS AFTER RECEIPT OF A PROPERLY COMPLETED INVOICE OR RECEIPT AND ACCEPTANCE OF THE PROPERTY OR SERVICE UNDER THE ORDER OR CONTRACT, WHICHEVER IS LATER. IF THE CITY DOES NOT MAKE PAYMENT BY THE 60TH CALENDAR DAY, THE CITY SHALL PAY SIMPLE INTEREST BEGINNING WITH THE 31ST CALENDAR DAY OF THE RATE OF ONE PERCENT PER MONTH (UNLESS THE CITY DISPUTES THE AMOUNT OF THE INVOICE). REFERENCE COMMON COUNCIL FILE NO. 900859 ADOPTED OCTOBER 16, 1990, PROVISIONS OF STATE STATUTE 66.285 AND 66.286

IF YOU WOULD LIKE TO OFFER A PAYMENT DISCOUNT TO THE CITY, PLEASE STATE BELOW:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ DAYS

THE CITY WILL DETERMINE THE LOW BIDDER BY TAKING INTO CONSIDERATION CASH DISCOUNTS OFFERED BY THE BIDDERS ONLY IF THE PAYMENT TERMS ARE 30 DAYS OR MORE. HOWEVER, IF THE LOW BIDDER WHO IS AWARDED THIS CONTRACT HAS QUOTED A MORE FAVORABLE DISCOUNT FOR EARLIER PAYMENT, AND THE CITY PAYS WITHIN THAT EARLIER TIMEFRAME, THE BIDDER WILL BE HELD TO THAT QUOTED DISCOUNT.

A. INVITATION: Sealed bids for furnishing supplies, equipment, work, material, labor, services, or material and labor combined as specified below must be received in the Business Operations Division, Procurement Services Section, Room 601, City Hall, 200 East Wells Street, Milwaukee, WI 53202,

NO LATER THAN 2:00 PM ON: 10/5/06

ALL BIDS RECEIVED AFTER THE SPECIFIED CLOSING DATE AND TIME WILL BE REJECTED.

ALL BIDS WILL BE OPENED AND READ PUBLICLY ON THE SPECIFIED CLOSING DATE AT 2:30 PM IN ROOM 301C OF CITY HALL (THIRD FLOOR), 200 EAST WELLS STREET, MILWAUKEE, WI.

B. FORM AND MANNER OF BID: Please note that bids must be SEALED, addressed to Business Operations Division, Procurement Services Section, Room 601, City Hall, 200 E. Wells St., Milwaukee, WI 53202. Your bid envelope must be plainly marked in the lower left hand corner of the envelope as follows:

Bid Number: 0000001836 - Rebid

Bid Closing Date: 2:00 P.M., 10/5/06

Commodity/Service: VENDOR CONTRACT FOR ROCK SALT

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Any bid received in an envelope not properly and clearly marked as specified above may result in the bid being rejected.

C. DESCRIPTION: VENDOR CONTRACT FOR ROCK SALT

D. PLANS AND/OR SPECIFICATIONS: CITY OF MILWAUKEE SPECIFICATION 10b-f-1 DATED 7/28/06.

E. SPECIAL CONDITIONS: The following special conditions apply to this Invitation to Bid and the award of the contract following the receipt of bids:

All goods must be delivered FOB destination to address indicated at time of order placement.

THE EMERGING BUSINESS ENTERPRISE (EBE) PROVISION FOR THIS BID WILL BE 6%. You must download the attachments for terms and conditions and required forms.

NOTE: IF THIS BID DOES NOT SPECIFY A PERCENTAGE OF MANDATORY EBE PARTICIPATION, THE CITY STRONGLY ENCOURAGES THE USE BY THE BIDDER OF CERTIFIED EMERGING BUSINESS ENTERPRISE FIRMS FOR ANY SUPPLEMENTARY SERVICES ATTENDANT TO THE GOODS OR SERVICES PROVIDED HEREUNDER. USE OF EMERGING BUSINESS ENTERPRISE FIRMS WHENEVER POSSIBLE THROUGHOUT THE COURSE OF THIS ENGAGEMENT FOR SUCH SUPPLEMENTARY SERVICES IS STRONGLY ENCOURAGED BY THE CITY, BUT IS NOT A REQUIREMENT FOR SUBMITTING A BID, UNLESS OTHERWISE SPECIFIED. FURTHER INFORMATION ABOUT THE EBE PROGRAM CAN BE OBTAINED FROM THE OFFICE OF THE EMERGING BUSINESS ENTERPRISE PROGRAM (EBEP), LOCATED IN ROOM 601, 200 EAST WELLS STREET, MILWAUKEE, WISCONSIN 53202, PHONE (414) 286-5552.

Any special conditions stated above shall take precedence over any conflicting provisions stated elsewhere in this document or any attached terms and conditions.

F. BID DEPOSIT OR BID BOND REQUIRED (See attached Terms and Conditions for more details): NONE

G. PERFORMANCE BOND REQUIRED (See attached Terms and Conditions for more details): NONE

DOES ANY OFFICER, EMPLOYEE, AGENT, MEMBER OF A GOVERNING BODY, OR PUBLIC OFFICIAL OF THE CITY OF MILWAUKEE WHO EXERCISES ANY FUNCTIONS OR RESPONSIBILITIES IN CONNECTION WITH THE REVIEWING, APPROVING OR ADMINISTERING THE CARRYING OUT OF ANY SERVICES OR REQUIREMENTS TO WHICH THIS BID PERTAINS, HAVE ANY PERSONAL INTEREST, DIRECT OR INDIRECT, IN THIS BID AND ANY CONTRACT THAT MAY RESULT THEREOF?

Yes \_\_\_\_\_ No \_\_\_\_\_

Has your business been certified as an Emerging Business for the City of Milwaukee by the Emerging Business Enterprise Program?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you are interested in the certification process for your business, please contact the Emerging Business Enterprise Program Office for more information at (414) 286-5552.

Would you be willing to extend the pricing from any contract that may result from this bid to other V.A.L.U.E. members of local government entities in the southeastern Wisconsin area including but not limited to the Milwaukee Metropolitan Sewerage District (MMSD) and/or Milwaukee Public Schools (MPS)?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please be advised that the award of this bid by the City of Milwaukee is NOT contingent upon your agreement to the above request. If, however, you agree to extend to any other agencies, each agency will be responsible for issuing and administering its own contract and resulting purchase order.

CONTACT PERSON FOR ORDER PLACEMENT:

NAME: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

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### EMERGING BUSINESS ENTERPRISE PROVISIONS

#### I. General

A. In accordance with Chapter 360 of the Milwaukee Code of Ordinances Emerging Business Enterprise (EBE) participation is required in all contracting activities of the Business Operations Division, Procurement Services Section. The ordinance requires that certified EBEs be utilized for 18% of the total dollars annually expended through commodity or service contracts. In an effort to meet these requirements, the Purchasing Director, as contracting officer for the City, requires all bidders to utilize EBEs as subcontractors and/or material suppliers on all contracts. For this contract, bidders are required to achieve a minimum 6% EBE participation.

B. The vendor shall prepare and submit accurate and timely EBE utilization forms and reports to the Business Operations Division, Procurement Services Section. The report shall include, but not be limited to, EBE participation for subcontractors (Form A), EBE monthly report (Form D), and EBE subcontractor payment certification (Form E) forms as directed. Failure to submit the forms and/or reports to the Business Operations Division, Procurement Services Section may result in disqualification of future bids, delay of payments, or other sanctions deemed appropriate. The final contract payments will not be made until final EBE monthly report (Form D) and EBE subcontractor payment certification (Form E) are on file with the Business Operations Division, Procurement Services Section.

C. During the performance of this contract, the Business Operations Division, Procurement Service Section reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Business Operations Division, Procurement Services Section will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, except in the case of fraudulent information, the Business Operations Division, Procurement Services Section may take one or more of the following actions listed below:

1. Terminate or cancel the contract, in whole or in part.
2. Possible debarment of the contractor from bidding.
3. Withhold payments on the contract.
4. Any other remedy available to the City by law or in equity.

#### II. Definitions

A. "EMERGING BUSINESS ENTERPRISE" (EBE) means a small business concern that is owned, operated and controlled by one or more disadvantaged individuals. The disadvantaged individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of ownership.

B. "DISADVANTAGED INDIVIDUAL" means a person who is a citizen or lawful permanent resident of the United States and who has experienced and who continues to experience substantial difficulty in achieving business-related success as defined in subsections 11 and 12 of Chapter 360 of the Milwaukee Code of Ordinances.

C. "OWNED/OPERATED AND CONTROLLED" means a business which is one of the following:

1. A sole proprietorship legitimately owned and operated and controlled by a disadvantaged individual.
2. A partnership or joint venture legitimately owned, operated and controlled by disadvantaged individuals who owned at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise.
3. A corporation legitimately owned, operated and controlled by one or more disadvantaged individuals who owned at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation.

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### III. EBE Utilization Requirements

A. Each vendor shall utilize EBE to a minimum of 6% on this contract. Note that the vendor shall be required to attain EBE participation on their base bid (excluding specified, alternatives, and change orders). EBE commitments relative to contract award shall be based upon the approved EBE participation form (Form A).

B. The determination of EBE utilization shall be based on the following criterion:

1. The firms identified as EBE by the vendor on the EBE participation form must be certified by the City of Milwaukee's Emerging Business Enterprise Program prior to bid opening.

2. The contractor shall be credited for the entire expenditure to EBE firms only if all of the identified scope of work is performed directly by the certified EBE firm.

3. The contractor shall be credited for the entire expenditure to a EBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the EBE participation may be extended for EBE suppliers that do NOT manufacture the products they supply.

4. The contractor shall count only the EBE requirement of expenditures to EBEs that perform a commercially-useful function in the actual work of the contract. EBEs are required to notify the Business Operations Division, Procurement Services Section if they subcontract out work on this project, to ensure that they perform a commercially-useful function. The Business Operations Division, Procurement Services Section will make the final determination and evaluation of whether or not the EBE is performing a commercially-useful function on this project.

C. Vendors should submit a completed EBE Participation Form (Form A) and Affidavit of Compliance (Form B), which meet the minimum EBE 6% participation specified utilizing City certified EBE's with the bid.

1. Information on the Form (A) shall include, but not be limited to:

a. The name, address, contact person and telephone numbers for the certified EBE firms that will participate on the bid as subcontractors or suppliers.

b. A description of the scope of work to be performed by the EBE (s) on this bid.

c. The EBE contract dollar value and corresponding percentages that the dollar value represent of the total contract amount.

d. The EBE (s) owner/or authorized representative acknowledgment signature.

2. The listing on the EBE Participation Form (A) shall constitute a representation that the contractor has communicated directly with the EBE(s) listed. If the vendor is awarded the contract, they will enter into a subcontract with the certified firm (s) for that portion of the work listed at the designated price(s) set forth.

3. EBE participation is an element of bid responsiveness. Failure to meet the specified EBE requirements will render the bid unresponsive, and the Business Operations Division, Procurement Services Section may then recommend award to the next apparent low bidder.

4. Only EBE(s) that have been EBE City certified by the Emerging Business Enterprise Program may be listed on the EBE Participation Form and counted towards the percentage requirements on this project. A listing of the current CITY certified EBE firms is maintained at:

City of Milwaukee  
Department of Administration  
Emerging Business Enterprise Program  
200 E Wells St., City Hall, Room 601

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**Vendor:** 0001030455  
WEBPAGE DOWNLOAD  
<http://www.milwaukee.gov/citygov/daa/sp/sp.shtml>  
MILWAUKEE WI 53202

Bid ID	Date	Buyer	Page
CIMIL-0000001836	07/28/2006	Diane Berndt	7
Payment Terms	DateTime Bid Open	Closing	
PROMPT PAY	07/28/2006 11:28 AM	10/05/2006 02:00 PM	

**Ship To:** See Detail Below

**Bill To:** DPW-OPERATIONS-SANITATION-GENERAL  
Z. MUNICIPAL BLDG. ROOM-620  
841 NORTH BROADWAY  
MILWAUKEE WI 53202  
United States

Line	Item	Description	Mfg ID	Mfg Item ID	Quantity	UOM	Need Date
		Milwaukee, Wisconsin 53202					
		414-286-8781					

D. If for any reason a EBE cannot perform, THE CONTRACTOR SHALL CONTACT THE BUSINESS OPERATIONS DIVISION, PROCUREMENT SERVICES SECTION FOR APPROVAL TO SUBSTITUTE ANOTHER CITY EBE CERTIFIED FIRM. The contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitution. Any difference in the cost occasioned by such substitution shall be borne by the contractor. If the contractor cannot find another certified firm to do the work at a comparable price, a non-EBE firm may be substituted with the approval of the Business Operations Division, Procurement Services Section.

E. If the contractor has a problem in meeting the EBE requirements or if any other problems relative to EBE(s) arise during or before completion of the contract, the contractor shall immediately contact the Business Operations Division, Procurement Services Section.

F. Certification programs other than the City's Emerging Business Enterprise Program are not accepted by the City of Milwaukee nor do they have any bearing on the eligibility criteria established by the City of Milwaukee.

G. The Business Operations Division, Procurement Services Section reserves the right to waive any of these specifications when it is in the best interest of the City and in accordance with the procedures set forth in Chapter 360 of the Milwaukee Code of Ordinances.

H. Right to Appeal. All contracts required to be purchased from the lowest responsible and responsive bidder under s. 16-05-2 of the City charter shall be purchased from the lowest responsible and responsive bidder determined in accordance with applicable City ordinances for participation of EBEs. Determinations made by the purchasing agent under applicable city ordinances for participation by EBEs shall be subject to appeal in accordance with the procedures prescribed by s.16-01 of the City charter and the Milwaukee code for appeals from the recommendations of the purchasing agent as to the apparent low responsible and responsive bidder. Effective August 8, 2001, the fee required to appeal bid specifications is 1% of the estimated dollar amount of the contract, and the fee required to appeal bid award recommendations is 1% of the dollar value of the recommended award pursuant to s.16-05 of the charter and s.310-19 of the code. The required appeal fee is a prerequisite for pursuing your appeal and must accompany your appeal. If your appeal is upheld, the appeal fee will be refunded.

### This is NOT AN ORDER

All returned quotes and related documents must be identified with our request for quote Number.

Authorized Signature